

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WALTER MOORE,

Plaintiff,

v.

05-CV-13

LESTER N. WRIGHT, Deputy Commissioner and
Chief Medical Officer of the Department of
Corrections; RICHARD LESTER, Regional Health
Service Administrator; EDWARD DONNELLY,
Superintendent, Wende Correctional Facility; DR.
DE PERIO, Physician, Wende Correctional Facility;
JOHN DOE, 1, Pharmacist, Wende Correctional
Facility; MICHAEL GIAMBROUNO, Superintendent,
Wyoming Correctional Facility; JOHN DOE, 2,
Physician, Wyoming Correctional Facility; FRANK
McCRAY, Superintendent, Gowanda Correctional
Facility; JOHN DOE, 3, Physician, Gowanda
Correctional Facility; RAYMOND CUNNINGHAM,
Superintendent of Woodbourne Correctional Facility;
and MERVAT MAKRAM,

Defendants.

THOMAS J. McAVOY
United States District Judge

DECISION and ORDER

This matter brought pursuant to 28 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

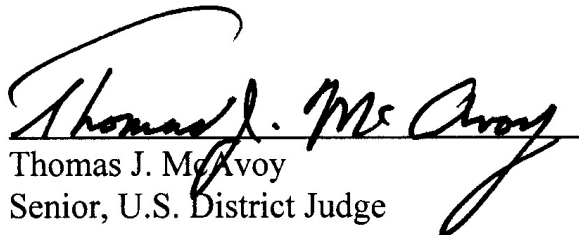
The Magistrate Judge recommended that the Court grant Defendant's summary judgment motion and dismiss Plaintiff's claims in their entirety. In granting Defendant's summary judgment motion, Magistrate Judge Homer concluded that: (1) Plaintiff failed to exhaust his administrative remedies prior to bringing his claims; (2) Plaintiff did not show

sufficient personal involvement with respect to Defendants Lester and Giambrouno; and (3) Plaintiff failed to allege a serious medical condition to which Defendants were deliberately indifferent.

No objections to the August 8, 2008 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and DISMISSES the claims in their entirety.

IT IS SO ORDERED.

Dated: September 10, 2008


Thomas J. McAvoy
Senior, U.S. District Judge